United Nations A/C.1/59/PV.21

General Assembly

Official Records

Fifty-ninth session

First Committee

21st meeting

Wednesday, 3 November 2004, 9.30 a.m.
New York

President: Mr. De Alba ..... (Mexico)

The meeting was called to order at 9.55 a.m.

Agenda items 57 to 72 (*continued*)

Action on all draft resolutions and decisions submitted under all disarmament and international security items

The Chairman (*spoke in Spanish*): The First Committee will today continue to take action on draft resolutions listed in informal working paper 5, revision 1. I would first like to make an announcement in that connection.

Draft resolution A/C.1/59/L.34, which is under the cluster entitled "Nuclear weapons", will be taken up at the 22nd meeting. Draft resolution A/C.1/59/L.53/Rev. 1, which is under the cluster entitled "Other disarmament measures", will also be considered at a later meeting.

The Committee will now begin its consideration of draft resolution A/C.1/59/L.56, entitled "Bilateral strategic nuclear arms reductions and the new strategic framework", under cluster 1, "Nuclear weapons".

I call on the Secretary of the Committee.

Ms. Stoute (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/59/L.56, entitled "Bilateral strategic nuclear arms reductions and the new strategic framework".

The representative of the Russian Federation introduced the draft resolution at the Committee's 12th meeting, held on 20 October 2004. The sponsors of the draft resolution are listed in document A/C.1/59/L.56.

The Chairman (*spoke in Spanish*): I should like to inform members that the sponsors of draft resolution A/C.1/59/L.56 have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/59/L.56 was adopted.

The Chairman (*spoke in Spanish*): I shall now call on those representatives who wish to explain their position on the draft resolution just adopted.

Ms. Borslin Bonnier (Sweden): I take the floor on behalf of the New Agenda Coalition — Brazil, Egypt, Ireland, Mexico, New Zealand, South Africa and my own country, Sweden — to make an explanation of position on draft resolution A/C.1/59/L.56. The New Agenda Coalition joined the consensus on that draft resolution, but would like to make a few remarks of an interpretive character.

The sponsors of the draft resolution have asked the General Assembly to acknowledge the contribution to nuclear disarmament made by reductions in their deployed strategic warheads. Naturally, we acknowledge that reduced deployment is a positive development. At the same time, we hold the view that reductions in deployment and operational status cannot replace irreversible cuts in, and actual destruction of,

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nuclear weapons. We therefore look forward to continued developments leading to their total elimination, in line with obligations under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT).

Furthermore, while we appreciate the specific information given by the two sponsors, it is of course rather difficult for the General Assembly as such to explicitly recognize the exact numbers and figures given, as there is no possibility for us to confirm or verify them. We therefore understand the relevant paragraphs as valuable information given by the two sponsors to Member States.

We welcome the determination of the United States and the Russian Federation to work together to fulfil their obligations under article VI of the Non-Proliferation Treaty. Although the draft resolution does not mention the upcoming NPT Review Conference, we take it that the sponsors will bring their determination to bear at the forthcoming Conference. We look forward to a more thorough review on that occasion of the implementation of the obligations under the NPT and of the commitments made at previous review conferences, including the agreed practical steps for systematic and progressive efforts to implement article VI of the NPT.

Mr. Rachmianto (Indonesia): My delegation joined the consensus on draft resolution A/C.1/59/L.56, entitled "Bilateral strategic nuclear arms reductions and the new strategic framework". However, compared to the previous resolution under the same title, resolution 57/68, the current text includes some new elements to which my delegation has some reservations.

Indonesia continues to reaffirm its principled position on nuclear disarmament and the interlinked issue of non-proliferation. We also stress that the important efforts being made towards non-proliferation should be carried out parallel to simultaneous endeavours towards nuclear disarmament. We would also like to express our concern about the threat to humankind emanating from the continued existence of nuclear weapons and their possible use or threat of use.

We have taken note of the signing, on 24 May 2002, of the Treaty on Strategic Offensive Reductions between the Russian Federation and the United States and of its entry into force on 1 June 2003. We believe it necessary to reiterate that reductions in deployments and operational status cannot substitute for irreversible cuts in, and the total elimination of, nuclear weapons. The United States and Russia have missed an opportunity to verifiably dismantle their still massive cold-war-era nuclear arsenals and to reduce the role of nuclear weapons in their military strategies. Moreover, new nuclear weapons — and, possibly, renewed nuclear testing — are on the horizon. While the reductions are welcomed, we believe that they do not meet the unequivocal undertaking under article VI of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) to accomplish the total elimination of their nuclear arsenals, leading to nuclear disarmament.

We are aware of the fact that there are still about 30,000 nuclear weapons. The international community remains uncertain about the time frame for the dismantlement and destruction of those weapons.

Mr. Gala López (Cuba) (*spoke in Spanish*): My delegation would like to explain its position on draft resolution A/C.1/59/L.56.

The so-called Moscow Treaty set out several bilateral commitments to reduce the capacity to deploy or alter the operational status of nuclear weapons of the two States concerned. In that regard, we reiterate that negotiations and commitments of that sort should not be a substitute for multilateral negotiations among nuclear-weapons States, aimed at final and irreversible reductions and the total elimination of nuclear weapons. We also reaffirm that agreements to reduce or eliminate such weapons should always include the principles of transparency, verifiability and irreversibility.

Under the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), nuclear-weapon States must fully comply with the commitments they have entered into. Nuclear disarmament is a fundamental component of that. In that connection, Cuba believes it both urgent and essential to carry out an in-depth discussion about the reasons for non-compliance with the 13 practical steps towards nuclear disarmament agreed upon at the 2000 NPT Review Conference. Once that is done, we should debate and agree corrective actions or steps to speed up the process in order to fully comply with those steps. We should also put forward new practical steps to achieve nuclear disarmament. Among other things, they could include beginning negotiations at the Conference on Disarmament on a multilateral convention on nuclear disarmament that includes the

elements of disarmament, non-proliferation in all its aspects, verification, cooperation and assistance.

With regard to what is set out in the second preambular paragraph of draft resolution A/C.1/59/L.56, my delegation would like to emphasize that responsibility for threats to international peace and security must be shared by the nations of the world and must be part of a multilateral undertaking. The Organization will have to play a leading role in that connection, given that it is the world's most universal and representative body.

In addition, my delegation laments the fact that draft resolution A/C.1/59/L.56 was not the subject of negotiation, owing in particular to the position taken by one of the sponsors.

In closing, I would like to reiterate the fact that Cuba firmly supports general and complete disarmament under strict international control. In particular, we support the complete elimination of nuclear weapons — which is the highest priority — as well as the elimination of all weapons of mass destruction, as we are aware of the inherent danger posed to all humankind by the very existence of such weapons.

The Chairman (*spoke in Spanish*): The Committee will now take action on draft resolution A/C.1/59/L.17/Rev.1, entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction", which is under cluster 2.

I call on the Secretary of the Committee.

Ms. Stoute (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/59/L.17/Rev.1, entitled "Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction".

The representative of Hungary introduced the draft resolution at the Committee's 11th meeting, held on 19 October 2004. The sponsors of the draft resolution are listed in documents A/C.1/59/L.17/Rev.1 and A/C.1/59/INF/2.

I shall now read out an oral statement in connection with the draft resolution.

"In connection with draft resolution A/C.1/59/L.17/Rev.1, entitled 'Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction', I wish to put on record the following statement on financial implications, on behalf of the Secretary-General.

"By operative paragraph 4 of the draft resolution, the General Assembly would request the Secretary-General to continue to render the necessary assistance to the depositary Governments of the Convention and to provide such services as may be required for the implementation of the decisions and recommendations of the review conferences, including all necessary assistance to the annual meetings of the States parties and the meetings of experts.

"The Secretary-General wishes to draw the attention of Member States to the fact that the States parties to the Convention, at the 9th plenary meeting of the fifth Review Conference, on 15 November 2002, approved the cost estimates for servicing the annual meetings of the States parties to the Biological Weapons Convention, of one week's duration each year, commencing in 2003 and until the sixth Review Conference, and the two-week meetings of experts to prepare each meeting of the States parties.

"It is recalled that all activities related to international conventions or treaties that under their respective legal arrangements are to be financed outside the regular budget of the United Nations may be undertaken by the Secretariat only when sufficient funding is received in advance from States parties."

The Chairman (*spoke in Spanish*): I should like to inform members that the sponsors of draft resolution A/C.1/59/L.17/Rev.1 have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/59/L.17/Rev.1 was adopted.

The Chairman (*spoke in Spanish*): We shall now proceed to take up draft resolutions under cluster 4, entitled "Conventional weapons": draft resolutions A/C.1/59/L.43/Rev.1 and A/C.1/59/L.49/Rev.2*.

I call on the representative of Egypt, who wishes to speak in explanation of position before a decision is taken.

Mr. Shamaa (Egypt) (*spoke in Arabic*): The delegation of Egypt would like to clarify that, despite the fact that it will join in the consensus on draft resolution A/C.1/59/L.43/Rev.1, it believes that consideration of the issue of experts on the subject of brokering in small arms and light weapons should be postponed until the Open-ended Working Group on identifying and tracing illicit small arms and light weapons has dealt with the matter.

The negotiating mandate given the Group has proven to be weak and ineffective. The Group must consider a number of crucial issues and submit them to negotiations. We witnessed the negative impact of its current procedures during the first meeting of the Open-ended Working Group to discuss whether the instrument being negotiated was to be a political document or a legally binding document. We should therefore wait upon successes in the Group's work, because failure would mean that we would have to consider other options with regard to brokering.

The Chairman (*spoke in Spanish*): We shall now take action on draft resolution A/C.1/59/L.43/Rev.1, entitled "The illicit trade in small arms and light weapons in all its aspects".

I call on the Secretary of the Committee.

Ms. Stoute (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/59/L.43/Rev.1, entitled "The illicit trade in small arms and light weapons in all its aspects".

The representative of Colombia introduced the draft resolution at the Committee's 14th meeting, held on 22 October 2004. The sponsors of the draft resolution are listed in documents A/C.1/59/L.43/Rev.1 and A/C.1/59/INF/2/Add.1, Add.2, Add.4, Add.5 and Add.7. In addition, Croatia, the Czech Republic, Denmark, Iceland, Liechtenstein, Monaco, San Marino, the Sudan, the former Yugoslav Republic of Macedonia and Turkey have also become sponsors of the draft resolution.

I shall now read out an oral statement in connection with the draft resolution.

"In connection with draft resolution A/C.1/59/L.43/Rev.1, entitled 'The illicit trade in small arms and light weapons in all its aspects', I wish to put on record the following statement of financial implications, on behalf of the Secretary-General.

"By operative paragraphs 1, 2, 3 and 5 of the draft resolution, the General Assembly would decide that the United Nations conference to review progress made in the implementation of the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects will be held in New York for a period of two weeks between 26 June and 7 July 2006. It would also decide that the preparatory committee for the conference will hold a two-week session in New York from 9 to 20 January 2006, and reiterates that, if necessary, a subsequent session of up to two weeks in duration may be held. It would further decide that the second biennial meeting of States, as stipulated in the Programme of Action, to consider the national, regional and global implementation of the Programme of Action will be held in New York from 11 to 15 July 2005. The Assembly would also request the Secretary-General, while seeking the views of States, to continue to hold broad-based consultations, within available financial resources, with all Member States and interested regional and subregional organizations, on further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons, with a view to establishing, after the 2006 review conference and no later than 2007, and after the conclusion of the work of the Open-ended Working Group to Negotiate an International Instrument to Enable States to Identify and Trace in a Timely and Reliable Manner Illicit Small Arms and Light Weapons, a group of governmental experts, appointed by him on the basis of equitable geographical representation, to consider further steps to enhance international cooperation in preventing, combating and eradicating illicit brokering in small arms and light weapons. It would also request the Secretary-General to

report to the General Assembly at its sixtieth session on the outcome of his consultations.

"Pursuant to operative paragraph 1, it is envisaged that the review conference would hold 20 meetings in New York between 26 June and 7 July 2006. Pursuant to operative paragraph 2, it is envisaged that the preparatory committee for the review conference would hold 40 meetings in New York from 9 to 20 January 2006. It is envisaged that the activities called for in operative paragraph 5, regarding the establishment of a group of governmental experts, would take place in 2006 and 2007, and that the group would hold one session in 2006 and two sessions in 2007, of one week's duration each. Accordingly, the related conference servicing requirements, at full cost, in 2006 and 2007 are estimated at $1,082,582 and $246,604, respectively. The extent to which the Organization's capacity would need to be supplemented by temporary assistance resources can be determined only in the light of the calendar of conferences and meetings for the biennium 2006-2007. Provision for such requirements would be considered under the relevant section for conference services in the context of the proposed programme budget for the biennium 2006-2007, not only for meetings programmed at the time of budget preparation but also for meetings authorized subsequently, provided that the number and distribution of meetings are consistent with the pattern of meetings of past years.

"It is also envisaged that non-conference servicing requirements would be required for the Department for Disarmament Affairs and the Department of Public Information in connection with the review conference and its preparatory committee, referred to in operative paragraphs 1 and 2; and, in the case of the Department for Disarmament Affairs, also for the servicing of the session of the proposed group of governmental experts referred to in operative paragraph 5. In that connection, the estimated requirements, amounting to $512,000 and $552,000 for the Department for Disarmament Affairs and the Department of Public Information, respectively, would be considered in the context of the proposed programme budget for the biennium 2006-2007.

"With regard to the implementation of the request contained in operative paragraph 3 of the draft resolution, concerning the second biennial meeting of States, provision has been made in the programme budget for the biennium 2004-2005. It is noted that the implementation of the request contained in operative paragraph 5 of the draft resolution, regarding the holding of broad-based consultations, is contingent on the availability of resources in the programme budget for the biennium 2004-2005. Accordingly, should the General Assembly adopt draft resolution A/C.1/59/L.43/Rev.1, no additional requirements would arise under the programme budget for the biennium 2004-2005.

"The attention of the Committee is drawn to the provisions of section 6 of General Assembly resolution 45/248 B, of 21 December 1990, in which the Assembly reaffirmed that the Fifth Committee was the appropriate Main Committee of the Assembly entrusted with responsibilities for administrative and budgetary matters, and reaffirmed also the role of the Advisory Committee on Administrative and Budgetary Questions."

The Chairman (*spoke in Spanish*): I should like to announce that Bulgaria has joined the list of sponsors of draft resolution A/C.1/59/L.43/Rev.1.

I would like to inform members that the sponsors of draft resolution A/C.1/59/L.43/Rev.1 have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/59/L.43/Rev.1 was adopted.

The Chairman (*spoke in Spanish*): We shall now proceed to take action on draft resolution A/C.1/59/L.49/Rev.2*, entitled "Prevention of the illicit transfer and unauthorized access to and use of man-portable air defence systems".

I call on the Secretary of the Committee.

Ms. Stoute (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/59/L.49/Rev.2*, entitled "Prevention

of the illicit transfer and unauthorized access to and use of man-portable air defence systems".

The representative of Australia introduced the draft resolution at the Committee's 14th meeting, held on 22 October 2004. The sponsors of the draft resolution are listed in documents A/C.1/59/L.49/Rev.2*, A/C.1/59/INF/2/Add.3, Add.4, Add.5, Add.6 and Add.7. In addition, Armenia, Brazil, Japan, Liechtenstein, Samoa and the former Yugoslav Republic of Macedonia have now become sponsors of the draft resolution.

The Chairman (*spoke in Spanish*): I would like to inform members that the sponsors of draft resolution A/C.1/59/L.49/Rev.2* have expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/59/L.49/Rev.2 was adopted.*

The Chairman (*spoke in Spanish*): I shall now call on those delegations wishing to explain their positions on the draft resolutions just adopted.

Mr. Gala López (Cuba) (*spoke in Spanish*): My delegation would like to explain its position on the two draft resolutions that have just been adopted.

With regard to draft resolution A/C.1/59/L.43/Rev.1, we would like to say that Cuba has a clear position against the illicit trade in arms in all its aspects, including small arms and light weapons. We therefore support the holding of consultations to explore possible new measures acceptable to all States that will make it possible to enhance international cooperation in order to prevent, combat and eliminate illicit brokering in small arms and light weapons. We believe that, given the importance of this subject, any consultation process in that regard should take place in a transparent and non-discriminatory manner. It would not be desirable to discuss this matter in a limited context that does not provide for the participation of all interested States on an equal footing. This subject must be examined carefully, comprehensively and on the basis of strict respect for the principles established in the Charter, in particular as regards respect for sovereignty and the principle of non-interference in the internal affairs of States. In discussing this topic, we must also take into consideration the need to respect the right of States to legitimate self-defence.

Finally, I would like to reiterate that preventing, combating and eliminating illicit brokering in small arms and light weapons cannot be seen in isolation and must be part of an overall strategy. In order to make progress in that regard, the full implementation of the 2001 Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects at the national, regional and international levels must be a fundamental prerequisite.

With regard to draft resolution A/C.1/59/L.49/Rev.2*, we believe that we should not continue to introduce and adopt resolutions on specific aspects of the subject of small arms and light weapons — of which man-portable air defence systems are a part — at a time when we are moving towards the adoption of an international instrument to prevent the illicit trade in such weapons. Likewise, we should bear in mind that the Committee has adopted various draft resolutions on the illicit trade in small arms and light weapons in all its aspects. Furthermore, we are struck by the fact that, at a time when the Committee is in the process of improving its methods of work, some of the main proponents of that streamlining exercise are introducing specific draft resolutions such as A/C.1/59/L.49/Rev.2*, which ultimately seem to duplicate efforts already being made in the General Assembly.

Mr. Baeidi-Nejad (Islamic Republic of Iran): I am speaking to explain the position of my delegation with respect to draft resolution A/C.1/59/L.43/Rev.1, entitled "The illicit trade in small arms and light weapons in all its aspects".

My delegation fully shares the aim of effectively implementing the Programme of Action to Prevent, Combat and Eradicate the Illicit Trade in Small Arms and Light Weapons in All Its Aspects, which was extensively negotiated and adopted by the United Nations and which encompasses various aspects of the issue. In that regard, brokering is one of the elements being seriously considered by Member States. We are at the initial stage of deliberations on this matter. As the outcome of the open-ended consultations on brokering clearly indicates, there is as yet no agreement on the establishment of a panel of governmental experts on the issue.

We therefore view operative paragraph 5 of draft resolution A/C.1/59/L.43/Rev.1 as having been intended merely to keep open the possibility of

establishing a panel of governmental experts as part of contingency planning. As that paragraph indicates, the establishment of such a panel would be subject to agreement within the Open-ended Working Group to negotiate an international instrument on tracing and marking.

The Chairman (*spoke in Spanish*): The Committee will now proceed to take action on draft resolution A/C.1/59/L.45/Rev.2, entitled "Confidence-building measures in the regional and subregional context", under cluster 6.

I call on the Secretary of the Committee.

Ms. Stoute (Secretary of the Committee): The Committee will now proceed to take action on draft resolution A/C.1/59/L.45/Rev.2, entitled "Confidence-building measures in the regional and subregional context".

The representative of Pakistan introduced the draft resolution at the Committee's 16th meeting, held on 25 October 2004. The sponsor of the draft resolution is named in document A/C.1/59/L.45/Rev.2.

The Chairman (*spoke in Spanish*): I would like to inform members that the sponsor of draft resolution A/C.1/59/L.45/Rev.2 has expressed the wish that it be adopted by the Committee without a vote. If I hear no objection, I shall take it that the Committee wishes to act accordingly.

Draft resolution A/C.1/59/L.45/Rev.2 was adopted.

The Chairman (*spoke in Spanish*): I now call on the representative of India, who wishes to speak in explanation of position on the draft resolution just adopted.

Mr. Pardeshi (India): The Indian delegation would like to explain its position on draft resolution A/C.1/59/L.45/Rev.2, entitled "Confidence-building measures in the regional and subregional context".

India believes that confidence-building measures can play an important role in establishing an atmosphere of trust, cooperation and confidence, which, in turn, are conducive to the resolution of outstanding issues through peaceful means. We have joined the consensus on the draft resolution in keeping with the importance we attach to confidence-building measures. We acknowledge the improvements that have been made in the text of draft resolution A/C.1/59/L.45/Rev.2 as compared with resolution 58/43, which was adopted last year and which presented concepts not in keeping with generally accepted principles on confidence-building measures.

Our joining the consensus today should not be viewed as support for resolution 58/43, to which the text of draft resolution A/C.1/59/L.45/Rev.2 refers in its second preambular paragraph.

The Chairman (*spoke in Spanish*): Before we turn to draft resolution A/C.1/59/L.55/Rev.2, I call on representatives wishing to make statements.

Mr. Dilja (Albania): Albania considers draft resolution A/C.1/59/L.55/Rev.2 to be an important and well-intended document that aims to promote the spirit of cooperation in the region. We are doing our best in that regard and would like both to be part of the consensus on the draft resolution and to remain on its list sponsors.

Owing to concerns about some references in the twelfth preambular paragraph, we are continuing our discussion with the delegation of the former Yugoslav Republic of Macedonia, which introduced the draft resolution. We have asked that they postpone action on the draft resolution until the Committee's next meeting.

The Chairman (*spoke in Spanish*): The Chair has received no request from any of the sponsors to postpone the Committee's consideration of draft resolution A/C.1/59/L.55/Rev.2. To date, it has been the policy of the Chair to propose postponement only when the sponsors call for it. I would therefore ask the sponsors whether they would like to proceed or whether they are willing to accept the request of the representative of Albania to postpone consideration of the draft resolution.

Mr. Škrabalo (Croatia): I would like to support the request made by Albania. Croatia is a sponsor of the draft resolution, and we would request that a decision on it be postponed until tomorrow.

Mr. Freeman (United Kingdom): I would briefly like to say that we too would be supportive of a postponement, if that is helpful to Albania and others.

Mr. Rowe (Sierra Leone): I would simply like to say that my delegation has no objection to a postponement.

The Chairman (*spoke in Spanish*): Although I am in the hands of the Committee, I believe that, for

the sake of consensus on draft resolution A/C.1/59/L.55/Rev.2, we could accept postponing its consideration to a later meeting. However, I once again call on delegations to abide by the Chairman's request, today and in the remaining days of the Committee's work, to inform him in a timely manner, and after having consulted with sponsors, when there is a need to postpone action on a draft resolution.

There are thus no further draft resolutions for us to consider at this meeting. I would like to propose that we try to deal with all pending matters at the meeting scheduled for tomorrow. I believe that the ongoing negotiations on draft resolutions could be concluded today, if we use our time efficiently and, above all, in a constructive spirit on the part of all delegations. The same goes for the various exercises being carried out by the Chairman in connection with next year's programme of work, the General Assembly's agenda for the next session and the strategic plan. I believe that, although there are several issues pending, most of them are ready for discussion. I would therefore ask the Committee to make an effort so that tomorrow we can take up final versions of the remaining draft resolutions.

I propose that we adjourn this meeting and utilize the time remaining to allow all delegations to meet informally to review pending matters.

The meeting rose at 10.50 a.m.